REMARKS

Claims 1-3, 6-8, 10-15, 17, 20-22, 24-29, and 31-32 are pending. Applicants thank Examiner Bokhari for the interviews conducted on September 4, 2009 and September 11, 2009.

I. Claims 1-3 and 6-7 are Allowable

The Office has rejected claims 1-3 and 6-7, at page 3 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent Publication No. 2005/0033853 ("Jones") in view of U.S. Patent Publication No. 2004/0258028 ("Hossain"). Applicants respectfully traverse the rejections and submit that Jones does not constitute prior art that anticipates the present application under 35 U.S.C. §102. Therefore, Jones may not be used in a rejection under 35 U.S.C. §103(a).

35 U.S.C. § 102 reads as follows:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or

(f) he did not himself invent the subject matter sought to be patented, or

(g)(1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

Applicants submit that Jones is not prior art under any section of 35 U.S.C. § 102. Jones does not qualify as prior art under 35 U.S.C. § 102(a) because the invention described in the present application was not known or used by others. The Jones reference cites Kenneth Jones and Brian Gonsalves as inventors. The present application also lists Kenneth Jones and Brian Gonsalves as inventors. Because all inventors of the Jones reference are also inventors of the present application, the Jones reference cannot be used to establish knowledge or use by others prior to the filing date of this application. Furthermore, the Jones reference cannot be used to establish that the invention set forth in this application was described in a printed publication prior to the filing date of the present application because Jones was published after the present application was filed. Specifically, the Jones reference was published on February 10, 2005, after the present application was filed on March 2, 2004.

Jones also does not qualify as prior art under 35 U.S.C. § 102(b) because the filing date of Jones does not predate the present application by more than one year. The Jones reference was filed on August 4, 2003, which is less than one year prior to the filing date of the present application, which is March 2, 2004.

Jones also does not qualify as prior art under 35 U.S.C. § 102(e) because Jones is not an application for patent that was filed by another. As explained above, all inventors cited in the Jones reference are also inventors cited in the present application. Therefore, the Jones reference cannot be used to establish that the invention claimed in the present application was described in an application for patent filed by another.

Therefore, Jones cannot be used as prior art for a determination of obviousness and should be disqualified as prior art under 35 U.S.C. §103(a). Therefore, Applicants respectfully request that the Office withdraw the rejections of claims 1-3 and 6-7 under 35 U.S.C. §103(a).

II. Claims 14-15, 17, and 20 are Allowable

The Office has rejected claims 14-15, 17, and 20, at page 6 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Jones, Hossain, and further in view of U.S. Patent Publication No. 2004/0001496 ("Yusko"). Applicants respectfully traverse the rejections.

As explained above, Jones cannot be used as prior art for a determination of obviousness and should be disqualified as prior art under 35 U.S.C. §103(a). Therefore, Applicants respectfully request that the Office withdraw the rejections of claims 14-15, 17, and 20 under 35 U.S.C. §103(a).

III. Claims 21, 22, 24, 29, 31, and 32 are Allowable

The Office has rejected claims 21, 22, 24, 29, 31, and 32, at page 10 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Jones, Hossain, Yusko, and further in view of U.S. Patent Publication No. 2003/0236916 ("Adcox"). Applicants respectfully traverse the rejections.

As explained above, Jones cannot be used as prior art for a determination of obviousness and should be disqualified as prior art under 35 U.S.C. §103(a). Therefore, Applicants respectfully request that the Office withdraw the rejections of claims 21, 22, 24, 29, 31, and 32 under 35 U.S.C. §103(a).

IV. Claims 8 and 12 are Allowable

The Office has rejected claims 8 and 12, at page 14 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Jones, Hossain, and further in view of U.S. Patent Publication No. 2005/0166261 ("Kortum"). Applicants respectfully traverse the rejections.

As explained above, Jones cannot be used as prior art for a determination of obviousness and should be disqualified as prior art under 35 U.S.C. §103(a). Therefore, Applicants

respectfully request that the Office withdraw the rejections of claims 8 and 12 under 35 U.S.C. §103(a).

V. Claim 10 is Allowable

The Office has rejected claim 10, at page 15 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Jones, Hossain, and further in view of U.S. Patent Publication No. 2004/0004968 ("Nassar"). Applicants respectfully traverse the rejection.

As explained above, Jones cannot be used as prior art for a determination of obviousness and should be disqualified as prior art under 35 U.S.C. §103(a). Therefore, Applicants respectfully request that the Office withdraw the rejection of claim 10 under 35 U.S.C. §103(a).

VI. Claim 11 is Allowable

The Office has rejected claim 11, at page 16 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Jones, Hossain, and further in view of U.S. Patent Publication No. 2004/0059821 ("Tang"). Applicants respectfully traverse the rejection.

As explained above, Jones cannot be used as prior art for a determination of obviousness and should be disqualified as prior art under 35 U.S.C. §103(a). Therefore, Applicants respectfully request that the Office withdraw the rejection of claim 11 under 35 U.S.C. §103(a).

VII. Claim 13 is Allowable

The Office has rejected claim 13, at page 17 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Jones, Hossain, Yusko, and Tang. Applicants respectfully traverse the rejection.

As explained above, Jones cannot be used as prior art for a determination of obviousness and should be disqualified as prior art under 35 U.S.C. §103(a). Therefore, Applicants respectfully request that the Office withdraw the rejection of claim 13 under 35 U.S.C. §103(a).

VIII. Claim 25 is Allowable

The Office has rejected claim 25, at page 18 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Jones, Hossain, Adcox, and further in view of U.S. Patent Publication No. 2007/0159971 ("Zhang"). Applicants respectfully traverse the rejection.

As explained above, Jones cannot be used as prior art for a determination of obviousness and should be disqualified as prior art under 35 U.S.C. §103(a). Therefore, Applicants respectfully request that the Office withdraw the rejection of claim 25 under 35 U.S.C. §103(a).

IX. Claim 26 is Allowable

The Office has rejected claim 26, at page 20 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Jones, Hossain, Adcox, and further in view of U.S. Patent Publication No. 2005/0015494 ("Adamczyk"). Applicants respectfully traverse the rejection.

As explained above, Jones cannot be used as prior art for a determination of obviousness and should be disqualified as prior art under 35 U.S.C. §103(a). Therefore, Applicants respectfully request that the Office withdraw the rejection of claim 26 under 35 U.S.C. §103(a).

X. Claim 27 is Allowable

The Office has rejected claim 27, at page 21 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Jones, Hossain, Adcox, and further in view of U.S. Patent Publication No. 2004/0044789 ("Angel"). Applicants respectfully traverse the rejection.

As explained above, Jones cannot be used as prior art for a determination of obviousness and should be disqualified as prior art under 35 U.S.C. §103(a). Therefore, Applicants respectfully request that the Office withdraw the rejection of claim 27 under 35 U.S.C. §103(a).

XI. Claim 28 is Allowable

The Office has rejected claim 28, at page 22 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Jones, Hossain, Adcox, and further in view of U.S. Patent Publication No. 2005/0025061 ("Pedersen"). Applicants respectfully traverse the rejection.

As explained above, Jones cannot be used as prior art for a determination of obviousness and should be disqualified as prior art under 35 U.S.C. §103(a). Therefore, Applicants respectfully request that the Office withdraw the rejection of claim 28 under 35 U.S.C. §103(a).

CONCLUSION

Applicants respectfully request reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date

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